

Feb 04, 2019

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

LATOYA S.,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03130-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 13, 17

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF No. 17, of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Alexis Toma represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS HEREBY**

ORDERED:

1. The parties' Stipulated Motion for Remand, **ECF No. 17**, is **GRANTED**.

1 2. The above-captioned case is **REVERSED** and **REMANDED** to the
2 Commissioner of Social Security for further administrative proceeding pursuant to
3 sentence four of 42 U.S.C. § 405(g).

4 Pursuant to the stipulation of the parties, on remand the administrative law
5 judge (ALJ) shall: (i) offer the claimant the opportunity for a hearing; (ii) Call a
6 neurologist to give expert testimony on the claimant's impairments and any
7 resulting limitations; (iii) re-consider the claimant's symptom testimony; (iv) re-
8 consider Ms. Kivdoo's testimony; (v) re-consider the claimant's residual functional
9 capacity, as necessary; (vi) continue through the sequential evaluation process; and
10 (vii) issue a new decision.

11 3. Judgment shall be entered for **PLAINTIFF**.

12 4. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **STRICKEN**
13 **AS MOOT**.

14 5. Upon proper presentation, this Court will consider Plaintiff's application
15 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16 The District Court Executive is directed to enter this Order, **enter**
17 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

18 DATED February 4, 2019.

19 s/Mary K. Dimke
20 MARY K. DIMKE
 UNITED STATES MAGISTRATE JUDGE